APPENDIX

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14,455

ROBERT F. HINTON, *Appellant*

v.

UNITED STATES OF AMERICA, *Appellee*

Appeal from the United States District Court
for the District of Columbia

Decided December 4, 1958

Mr. Donald E. Cross, with whom *Mr. Bryce Rea, Jr.*, was on the brief, for appellant.

Mr. Louis M. Kaplan, Assistant United States Attorney, with whom *Messrs. Oliver Gasch*, United States Attorney, *Carl W. Belcher* and *Frederick G. Smithson*, Assistant United States Attorneys, were on the brief for appellee.

Before PRETTYMAN, Chief Judge, and EDGERTON and WASHINGTON, Circuit Judges.

PER CURIAM: This is a narcotics case. 26 U.S.C. § 4704(a) (Supp. V, 1958); 21 U.S.C. § 174 (Supp. V, 1958). Appellant urges that his conviction should be set aside because he was arrested without probable cause, and hence the narcotics taken from him by the police at the time of arrest should have been suppressed as evidence

illegally taken. We cannot agree, as it seems to us that the information known to the police was sufficient to justify appellant's apprehension. We reach this conclusion on the basis of our own reading of the record, rather than on the District Court's findings. We place no reliance, for example, on the circumstance that no cigarettes were found on appellant's person at the time of his arrest although his story was that he had gone to purchase cigarettes just prior to being arrested. A post-arrest happening of this sort is not evidence of probable cause.

Affirmed.